UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,297	02/24/2004	Takashi Tameshige	NTT.0196	5051

7590   05/09/2008

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EXAMINER
DICKER, DENNIS T

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
05/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/784,297	TAMESHIGE ET AL.
Office Action Summary	Examiner	Art Unit	
	DENNIS DICKER	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>15 February 2008</u>.

2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-10</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>24 February 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claim 1 have been considered but are moot

in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claim1-3, 5-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kataoka (hereinafter "Kataoka '462" 2001/0056462) in view of Sun et al

(hereinafter "Sun '663" US 6,442,663).

    With respect to **Claim 1**, Kataoka '462 teaches A method for executing a job

loaded into a client machine **(i.e., 150 of Fig. 2)** on a server machine **(i.e.,110 of Fig. 2)**

that is different in a computer environment different from a computer environment of the

client machine **(i.e., Para 0008, execute predetermined application program without**

detailed knowledge of the computer on the other side), said method comprising the

steps of: allowing the client machine to issue to the server machine a job execution

request for executing the job **(i.e., Para 0008-0009, executing predetermined**

application programs on another computer), and environment information **(i.e.,133**

of Fig. 2 , historical information) including a program product name **(i.e., Para 0055**

and Fig. Fig. 4, Product name stored in historical information), and a version of the

program product on the client machine side **(i.e., Para 0055 and Fig. Fig. 4, history information including version of product);** and further replace the program product name **(i.e., Para 0087, checking and making reference to the predetermined software program)** and the version by corresponding information for the server machine on an as-needed basis **(i.e., Para 0087, checking and making reference to the predetermined software program version)**, and to execute the job **(i.e., Para 0086-0087, executing a program based on the program name and version in which the server executes an identifying command for executing a job).**

Kataoka '462 does not explicitly teach a job execution request being accompanied by environment information on a client machine side and job execution statements for the job to be executed, the environment information including a volume logical path, a volume physical path on the client machine side allowing the server machine to control to assign assignment of a server side volume corresponding to a client side volume and transfer input data on the client side volume to a server side volume, to convert the environment information and the job execution statements so as to replace, information about the volume logical path and the volume physical path by corresponding information for the server machine,

However, the mentioned claimed limitations are well known in the art as evidenced by Sun '663, In particular, Sun '663 teaches the use of a job execution request being accompanied by environment information on a client machine side and job execution statements for the job to be executed **(i.e., Col. 29 lines 64- Col. 30 line 7, environment information such as ' physical memory location, logical**

parameters and indirect memory references' are associated with a process on a client machine side), the environment information including a volume logical path **(i.e., Col. 30 lines 22-24, identifying logical parameters of the process in the first computer)**, a volume physical path on the client machine side**(i.e., Col. 30 lines 20-21, physical memory locations of process of the process in the first computer**) allowing the server machine to control to assign assignment of a server side volume corresponding to a client side volume and transfer input data on the client side volume to a server side volume **(i.e., Col. 30 lines 20-27, finding physical memory locations in accordance with the correlations in the memory needed to continue execution of the processes in the second computer)**, to convert the environment information and the job execution statements so as to replace, information about the volume logical path and the volume physical path by corresponding information for the server machine **(i.e., Col. 30 lines 1-4, collected data is transformed into a machine independent format where for transfer to the second computer).**

In view of this, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the method of Kataoka '462 as taught by Sun '663 since Sun '663 suggested in Col. 1 lines 57-60 that such a modification would provide an efficient process migration where the execution of a process is suspended on one computer and resumed on another computer.

With regards to method **Claim 2**, the limitation of the claim 2 are corrected by limitation of claim 1 above. The steps of claim 2 read into the function step of claim 1.

With regards to method **Claim 3**, the limitation of the claim 3 are corrected by limitation of claim 1 above. The steps of claim 3 read into the function step of claim 1.

With respect to **Claim 5**, Kataoka '462 teaches a method wherein the environment information includes names of programs executed for the job and the information about the versions of the programs executed for the job **(i.e., Para 0053 and 233 and 239 of Fig. 4, Environment Information includes Name of software and version)**, and wherein the server machine determines whether versions of the programs executed for the job are installed on the server machine **(i.e., Para 0065-0068, code for checking a particular version of software)** and installs any uninstalled program on the server machine **(i.e., Para 0090-0092, software BAP 1.0 is downloaded to a local directory and installed).**

With respect to **Claim 6**, Kataoka '462 does not explicitly teach a method wherein the server machine executes the job in accordance with the job execution statements for which an amount of computer resource use described in the job execution statements is changed in compliance with information about a service level agreement.

However, the mentioned claimed limitations are well known in the art as evidenced by Sun '663, In particular, Sun '663 teaches the use of a method wherein the server machine executes the job in accordance with the job execution statements for which an amount of computer resource **(i.e., Col. 1 line 67-Col. 2 line 6, migrating process from overloaded machines to under loaded machine to exploit otherwise unused computing cycles)** use described in the job execution statements is changed in compliance with information about a service level agreement **(i.e., Col. 2 lines 10-17**

,**required job execution statements changed in compliance with service level agreement are migrated to another computer in terms of resource sharing).**

In view of this, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the method of Kataoka '462 as taught by Sun '663 since Sun '663 suggested in Col. 1 lines 57-60 that such a modification would provide an efficient process migration where the execution of a process is suspended on one computer and resumed on another computer.

With regards to the program of **Claim 7**, the limitation of the claim 7 are corrected by limitation of claim 1 above. The steps of claim 7 read into the function step of claim 1.

With regards to the program of **Claim 8**, the limitation of the claim 8 are corrected by limitation of claim 1 above. The steps of claim 8 read into the function step of claim 1.

With respect to **Claim 10**, Kataoka '462 teaches a program wherein the environment information includes names of programs executed for the job and information about versions of the programs **(i.e., Para 0053 and 233 and 239 of Fig. 4, Environment Information includes Name of software and version)**, and wherein the server machine causes the program to realize a function for determining whether the versions of the programs executed for the job are installed on the server machine **(i.e., Para 0065-0068, code for checking a particular version of software); and a function for installing any uninstalled program on the server machine (i.e., Para 0090-0092, software BAP 1.0 is downloaded to a local directory and installed).**

4.   Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kataoka '462 and Sun '663 as applied to claim 3 above, and further in view of Loomans

(Hereinafter "Loomans '605" 6,393,605).

        With respect to **Claim 4**, Kataoka '462 does not explicitly teach a method wherein

the server machine comprises a plurality of logically partitioned logical computers, and

wherein, when the job execution request is received, the job is executed on a logical

computer that can interpret and execute the job execution statements.

        However, the mentioned claimed limitations are well known in the art as

evidenced by Loomans '605. In particular, Loomans '605 teaches the use of server

machine which comprises a plurality of logically partitioned logical computers **(i.e., 202

of Fig. 2, Computer comprising a plurality of UI elements)**, and wherein, when the

job execution request is received, the job is executed on a logical computer that can

interpret and execute the job execution statements **(i.e., Col 7 Lines 40-50, a UI

element is selected by the application engine when ready to begin processing).**

        In view of this, it would have been obvious to one having ordinary skill in the art

at the time of invention was made to modify the method of Kataoka '462 and Sun '663

as taught by Loomans '605 since Loomans '605 suggested in Col 1 Line 25-29 that

such a modification to the method would provide a highly interactive, robust, and

scalable on demand network application.

        With regards to the program of **Claim 9**, the limitation of the claim 9 are corrected

by limitation of claim 4 above. The steps of claim 9 read into the function step of claim 4.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DENNIS DICKER whose telephone number is (571)270-

3140. The examiner can normally be reached on Monday -Friday 7:30 A.M. to 5:00

P.M..

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Twyler Lamb can be reached on (571) 272-7406. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./
Examiner, Art Unit 2625
5/8/2008

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625
5/7/08